

DRAFT 2 –Alternatives analysis done after 270 has been decided by State Water Control Board (permit allowed to continue application process)

9 VAC 25-260-275. Protection of Aquaculture in Eastern Shore Tidal Waters

To protect water quality for aquaculture of clams or oysters, when a Virginia Pollutant Discharge Elimination System (VPDES) permit application for a new or expanded discharge to tidal waters identified in this section has been processed in accordance with 9 VAC 25-260-270 and the Board finds that a proposed project would result in shellfish bed condemnation but the condemnation would not violate the general standard, then the application shall be amended to contain an analysis of wastewater management alternatives. This analysis of alternatives, to include the alternative of discharge to surface water covered under VPDES, shall address the feasibility, the environmental, social and economic impacts to beneficial uses and to the locality and its citizens resulting from each management alternative, and opportunities to mitigate any adverse impacts.

PLACEHOLDER FOR AQUACULTURE ENHANCEMENT AREAS

After review of the alternatives analysis, if the board tentatively determines that a VPDES discharge to tidal waters is feasible, produces the least environmental impact and does not result in significant social and economic impacts to beneficial uses and to the locality and its citizens, that component of the application shall be deemed complete. Completed applications shall be processed according to 9 VAC 25-31 (VPDES Permit Regulation). If the Board tentatively determines that an alternative to a VPDES discharge to tidal waters is feasible, produces less of an environmental impact and does not result in significant social and economic impacts to beneficial uses and to the locality and its citizens, then the VPDES application is deemed incomplete while the applicant makes a good faith effort to obtain approval from the appropriate regulatory authority for the alternative. Only if the alternative form of wastewater management is disapproved by the appropriate regulatory authority shall this component of the VPDES application be deemed complete. Completed applications shall be processed according to 9 VAC 25-31 (VPDES Permit Regulation).

Permits covered under 9 VAC 25-110 VPDES general permit for domestic sewage discharges less than or equal to 1,000 gallons per day are exempt from the requirements of this section.